IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No.911 (M/B) of 2002

Smt. Kasturi Devi W/o late Sri Gotra Nand Ghildiyal, R/o Pradarshani Maidan, Tehri, Distt. Garhwal and five others

.... **Petitioners**

Vs

1. State of Uttaranchal through Chief Secretary, Govt. of Uttaranchal, Dehradun
2. Director Rehabilitation, Tehri Dam Division-22, New Tehri, District Tehri Garhwal
3. District Bar Association New Tehri, District Tehri Garhwal, through its Secretary

.....Respondents

Sri Rajendra Dobhal, Id. Counsel for the petitioner
Sri K.P. Upadhyaya, Id. Standing counsel for State.

Dated: - August 21, 2006

Coram: Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

By means of this writ petition, the petitioner has prayed for writ of mandamus commanding the respondents to consider the case of petitioners for payment of Rs.1,50,000/- as compensation in view of government order dated 3.12.2001.

2. The petitioners are the dependents of the Advocate who were practicing in old Tehri town. During the practice, all the petitioners died. After the shifting due to construction of Tehri dam, the Advocates who were practicing in the old Tehri town were given compensation towards the loss of practice to the extent of Rs.1,50,000/- vide government order dated 3.12.2001, which is contained in Annexure No.5 to the writ petition.

3. In the counter affidavit, it has been stated that since the Bar Association gave only names of 46 Advocates, therefore, Rs.1,50,000/- per advocate was sanctioned vide the said government order dated 3.12.2001.

4. Since the names of the petitioners were not sent in the list of 46 persons, therefore, they were not included in the government order for payment of compensation. Now, the petitioners have filed certificate issued by the District Bar Association, Tehri Garhwal certifying that these advocates were also practicing and are entitled for compensation. The petitioners on the basis of this certificate and on the basis of parity for grant of compensation as was given to others vide government order dated 3.12.2001 have filed this writ petition.

5. Having regard to the facts and circumstances of the case, we provide that the petitioners may approach the State Government for grant of compensation like others have been granted and the government shall consider their parity with the advocates who have been granted compensation by the government order dated 3.12.2001. The representation of the petitioners if made by the petitioners shall be decided within a period of one month from the date of its receipt.

6. With the aforesaid observations, the petition is disposed of finally.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang